



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: MAY 27, 2008

**VI.4**

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-08-05  
544 BERNARD STREET**

**DATE: MAY 15, 2008**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136**

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## **DESCRIPTION**


Applicant proposes to construct a three-bedroom apartment above a new four-car garage behind two existing houses. This will result in a total of three houses on the property.

## **APPLICANT**

Tim Johnson is the authorized agent for property owner Brendt Adams.

## **RECOMMENDATION**

Deny by adoption of Planning Commission resolution.

  
WENDY SHIH  
Associate Planner

  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 544 Bernard Street Application: PA-08-05

Request: Design review to construct a three-bedroom unit above a new four-car garage behind two existing detached residences.

### SUBJECT PROPERTY:

Zone: R2-HD

General Plan: High Density Residential

Lot Dimensions: 57.42 ft. x 203.41 ft.

Lot Area: 11,679 sq.ft.

Existing Development: 2,732 sq.ft., two-story residence with a two-car garage and a detached 528 sq.ft., single-story residence to the rear.

### SURROUNDING PROPERTY:

North: Surrounding properties

South: are all multi-family

East: residential zoned

West: and developed

## DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
<b>Lot Size:</b>		
Lot Width	100 ft.	57 ft. <sup>1</sup>
Lot Area	12,000 sq. ft.	11,679 sq.ft.
<b>Density:</b>		
Zone/General Plan	1 du/3,000 sq.ft.	1 du/3,893 sq.ft.
<b>Building Coverage:</b>		
Buildings	N/A	39% (4,586 sq.ft.)
Paving	N/A	19% (2,217 sq.ft.)
Open Space	Minimum 40% (4,672 sq. ft.)	42% (4,876 sq.ft.)
TOTAL	100%	100% (11,679 sq.ft.)
Building Height:	2 stories/27 ft.	2 stories/27 ft.
Ratio of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor <sup>2</sup> :	Maximum 80% (1,977 sq.ft.)	81% (2,016 sq.ft.)
<b>Setbacks:</b>		
Front (distance to existing unit)	10 ft.	10 ft.
Side (left/right)	5 ft./5 ft.	5 ft./5 ft.
2 <sup>nd</sup> Floor Interior Sides <sup>2</sup>	10 ft. average	10 ft. both sides
Rear <sup>3</sup>	5 ft.	5 ft.
<b>Parking:</b>		
Covered	3	6
Open	6	3
Guest	2	2
TOTAL	11 Spaces	11 spaces
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

- 1 Existing, nonconforming.  
 2 Residential design guidelines.  
 3 Abutting an alley.

## **PROJECT DESCRIPTION**

The property is located in the Westside, within the Mesa West Residential Ownership Urban Plan area. Several properties in the area have undergone revitalization such as the "Huscroft House" and conversion of the apartments into condominiums on the adjacent property to the west, the 12-unit condominium conversion across Bernard Street to the south, and the 16-unit conversion around the corner on Maple Avenue. The property, which backs up to an alley, contains a 4-bedroom, 2-story residence with an attached 2-car garage and a detached 1-bedroom unit to the rear. The existing 4 parking spaces do not conform to today's requirements. The applicant proposes to retain the existing driveway from Bernard Street for access to 3 new open parking spaces between the existing units and to construct a 3-bedroom unit above a new 4-car garage with alley access for a total of 3 units on the property. Off-street parking will be brought into conformance with current Code requirements. The proposal does not activate or use the Mesa West Residential Ownership Urban Plan standards.

## **ANALYSIS**

New 2-story construction that results in 3 or more units on the property is subject to a design review, which requires Planning Commission consideration. This allows review of the structures' scale, site planning, landscaping, appearance, and any other applicable features relative to a compatible and attractive development.

It is staff's opinion that the proposed construction meets Residential Development Standards and the intent of the Design Guidelines. However, staff is not recommending approval of the request due to concerns with the floor plan lending itself to be converted to an illegal fourth unit on the first floor. Specifically, the proposed garage is three times larger than the minimum required size to accommodate 4 cars and does not provide interior access to the unit upstairs. The laundry facility is also separated from the main residence providing plumbing connection adjacent to the garage that is not integrated with the unit. The proposed garage is approximately 2,400 square feet. According to the applicant, the excess garage area will provide for personal recreational vehicle and boat storage.

In response to staff's concerns and a requirement for a separate minor conditional use permit application, the applicant decided to delete the bathroom within the garage. However, this does not relieve staff's concerns with regards to the lack of integration between the first and second floor plans and the size of the enclosed garage space. Should Planning Commission approve the project, staff is recommending a condition requiring that minimum 20 feet by 20 feet interior garage dimensions remain available within each 2-car garage for off-street vehicle parking and not for recreational vehicle, boat, or miscellaneous storage.

As mentioned above, it is staff's opinion that the design aspect of the proposed structure meets the intent of the Residential Design Guidelines. It recommends that the second floor not exceed 80% of the first floor area and the second story be set back an average of 10 feet from the side property lines. The proposed second- to first-floor ratio is 81%.

However, the second floor side elevations satisfy the design guidelines with 10-foot side setbacks and wood siding is proposed to break up the elevations for visual relief and interest. The scale of the proposed structure is also consistent with other 2-story structures on- and off-site. The second floor windows and decks are set back so as to minimize direct views into windows on the adjacent residences. However, if the project is approved, staff is recommending a condition requiring landscape screening along the eastern property line to minimize views from the second story deck into the rear yard area of the property to the east.

### **GENERAL PLAN CONFORMITY**

The property has a General Plan designation of High Density Residential. Under this designation 3 dwelling units are allowed on the property. Therefore, the proposed use is consistent with the use and density allowed by the City's General Plan.

### **ALTERNATIVES**

If the application is approved, the project can be constructed as proposed.

If the application is denied, the project cannot be constructed and the applicant could not submit substantially the same project for 6 months.

### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

### **CONCLUSION**

The proposed construction complies with the Residential Development Standards and the intent of the Design Guidelines. It also brings off-street parking into conformance with current Code requirements. However, staff is concerned that the size of the garage and floor plans not being integrated the structure lends itself to be converted into an illegal fourth unit on the first floor. Therefore, staff recommends denial of the application.

Attachments:      Draft Planning Commission Resolution  
                         Exhibit "A" - Draft Findings  
                         Exhibit "B" - Draft Conditions of Approval  
                         Zoning/Location Map  
                         Plans

cc:      Deputy City Mgr.-Dev. Svcs. Director  
            Deputy City Attorney  
            City Engineer  
            Fire Protection Analyst  
            Staff (4)

File (2)

Tim Johnson  
5215 River Ave., #A  
Newport Beach, CA 92663

Brendt Adams  
544 Bernard St.  
Costa Mesa, CA 92627

**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-08-05**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Tim Johnson, authorized agent for property owner, Brendt Adams, with respect to the real property located at 544 Bernard Street, requesting approval of a design review to construct a 3-bedroom unit above a new 4-car garage behind 2 existing detached residences for a total of 3 units on the property, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-08-05 with respect to the property described above.

**PASSED AND ADOPTED this 27<sup>th</sup> day of May, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 27, 2008, by the following votes:

AYES:       COMMISSIONERS

NOES:       COMMISSIONERS

ABSENT:     COMMISSIONERS

ABSTAIN:    COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

## **EXHIBIT "A"**

### **FINDINGS (for denial)**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed development and use is not compatible and harmonious with uses both on site and those on surrounding properties. Specifically, the floor plan lends itself to be converted into an illegal fourth unit on the first floor, which would intensify the allowable density on the property, since the garage is three times larger than the minimum required size to accommodate 4 cars and does not provide interior access to the unit upstairs. The laundry facility is also separated from the main residence providing plumbing connection adjacent to the garage that is not integrated with the unit.
  - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
  - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development is not compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-08-05**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Tim Johnson, authorized agent for property owner, Brendt Adams, with respect to the real property located at 544 Bernard Street, requesting approval of a design review to construct a 3-bedroom unit above a new 4-car garage behind 2 existing detached residences for a total of 3 units on the property, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-08-05 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-08-05 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 27<sup>th</sup> day of May, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

## **EXHIBIT "A"**

### **FINDINGS (for approval)**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
  - c. The project is consistent with the General Plan designation of High Density Residential. Under this designation 3 dwelling units are allowed on the subject property and 3 dwelling units are proposed.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. Specifically, the project is consistent with the City's General Plan and Zoning Code, and the City's Residential Design Guidelines. The project is of a character and scale compatible with the neighborhood. The second floor side elevations satisfy the design guidelines with 10-foot side setbacks and wood siding is proposed to break up the elevations for visual relief and interest. The scale of the proposed structure is also consistent with other 2-story structures on- and off-site. The second floor windows and decks are set back so as to minimize direct views into windows on the adjacent residences and landscape screening will be provided to minimize privacy impacts on the adjacent property to the east.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng.
1. The approved address of individual units (A, B, and C) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
  2. Provide landscape screening along the eastern property line under the direction of the Planning staff.
  3. A land use restriction executed, by and between the applicant and the City of Costa Mesa, shall be recorded prior to issuance of building permits, to inform future property owners that a minimum 20 feet by 20 feet interior garage dimension must remain available within each 2-car garage for vehicle parking, that the garages may not be converted to dwelling units, and that a maximum of three dwelling units are permitted on the property. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so the document may be prepared.
  4. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  6. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
  7. The applicant shall contact Comcast (cable television) at 200 Poularino, Costa Mesa, (888.255.5789) prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
  8. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in

any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning staff.

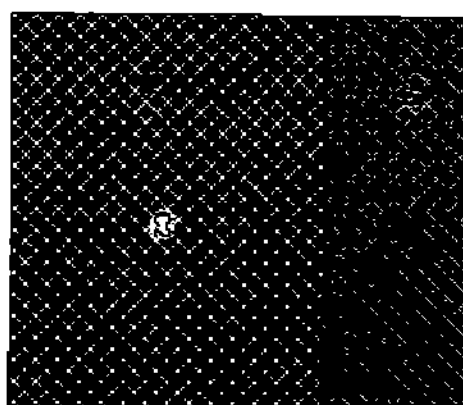
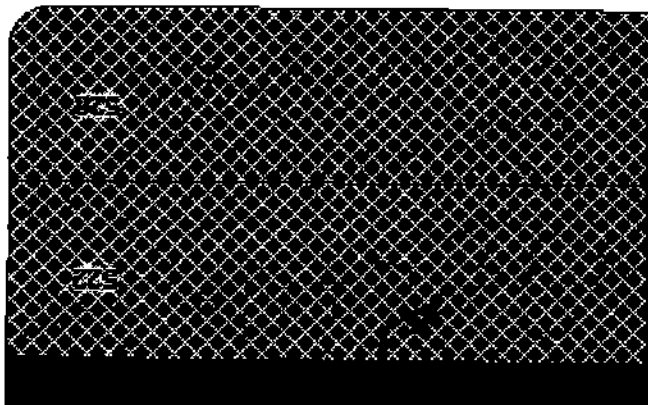
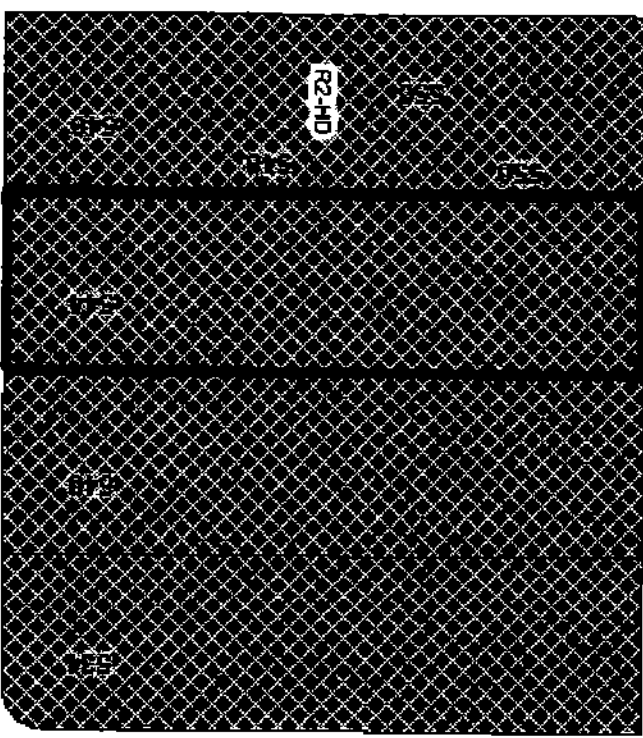
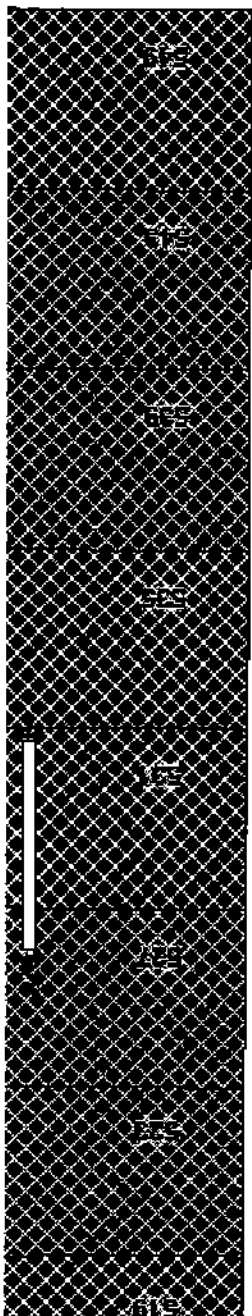
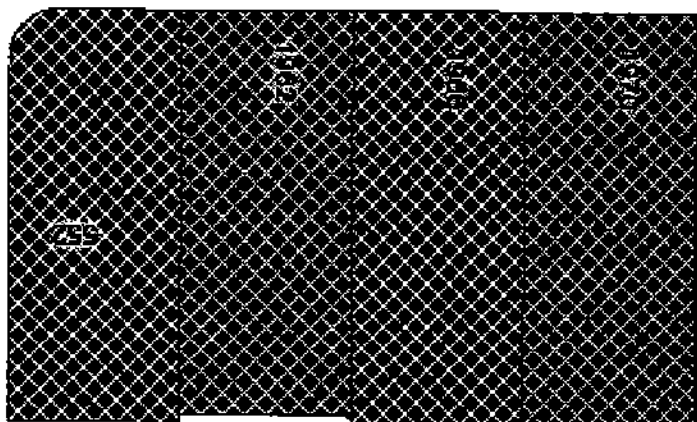
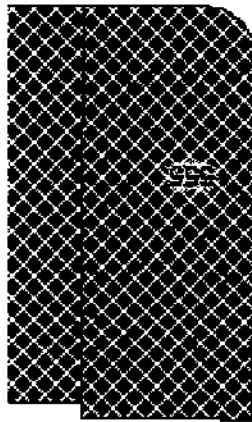
9. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
10. The conditions of approval, code requirements, and special district requirements of Planning Application PA-08-05 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
11. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
12. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
13. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

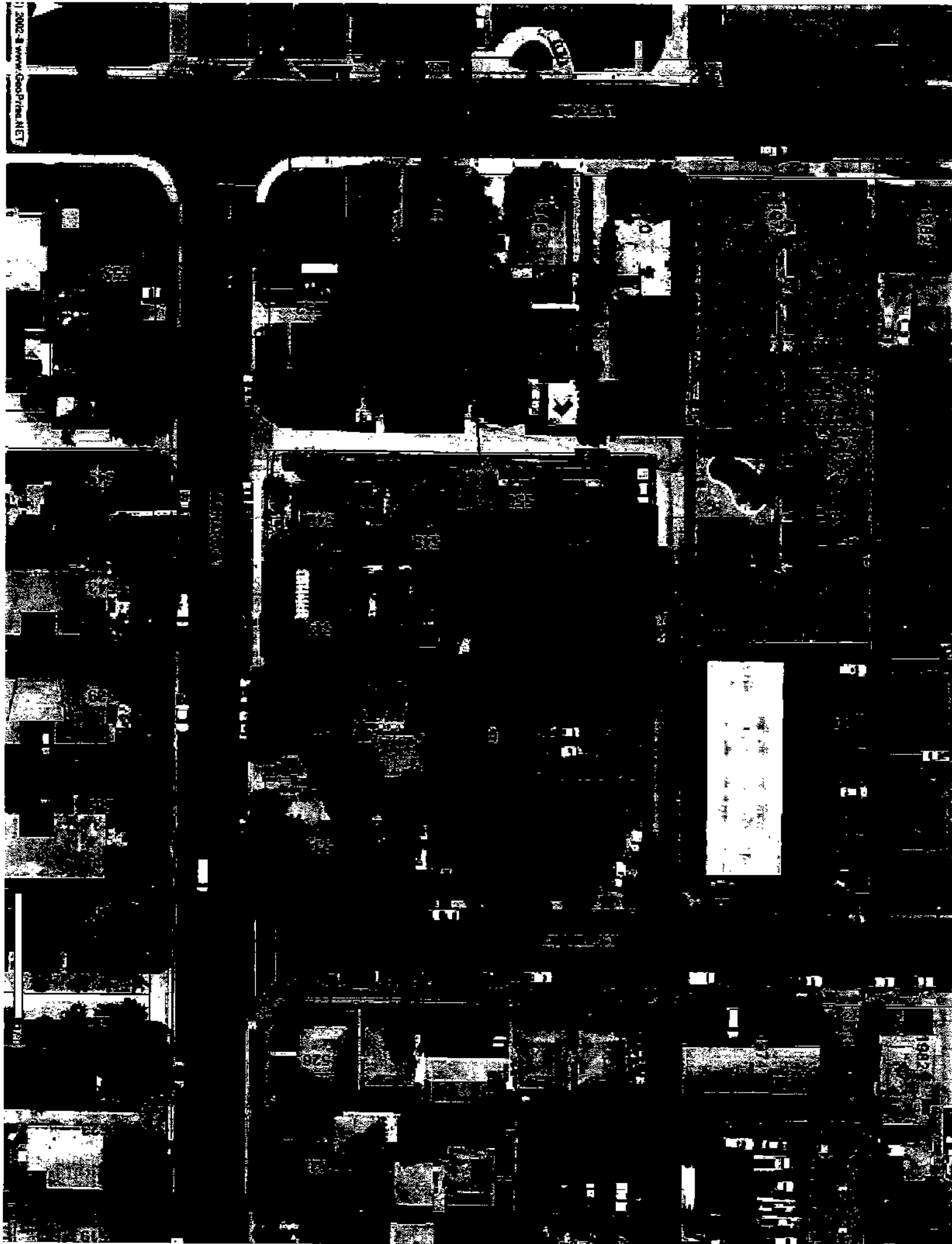
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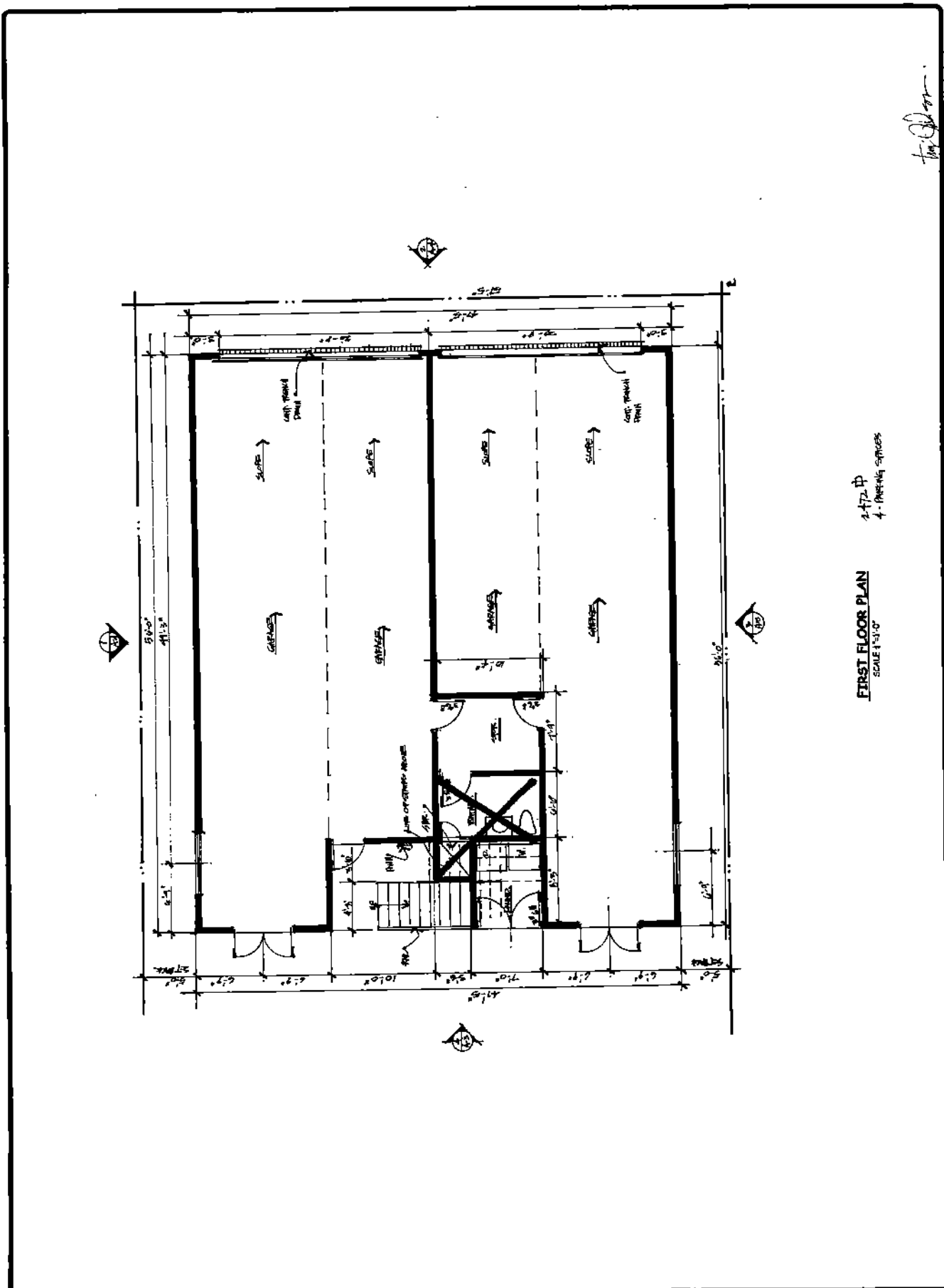
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**T.J. DESIGN**  
 5219 RIVER AVE.  
 NEWPORT BEACH CA 92663  
 (949) 515-3713

**GARAGE AND 3 BEDROOM UNIT**  
 544 BERNARD STREET  
 COSTA MESA CA

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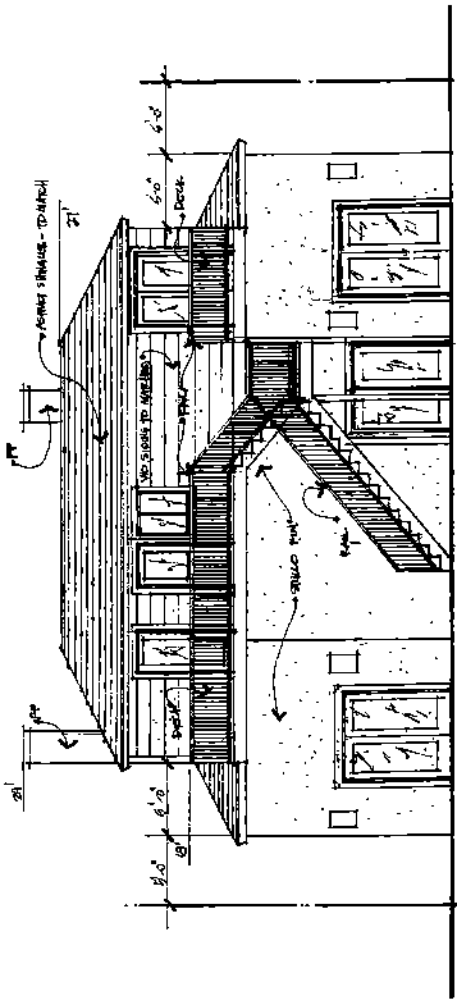
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NEWPORT BEACH, CA 92663  
(949) 215-3713

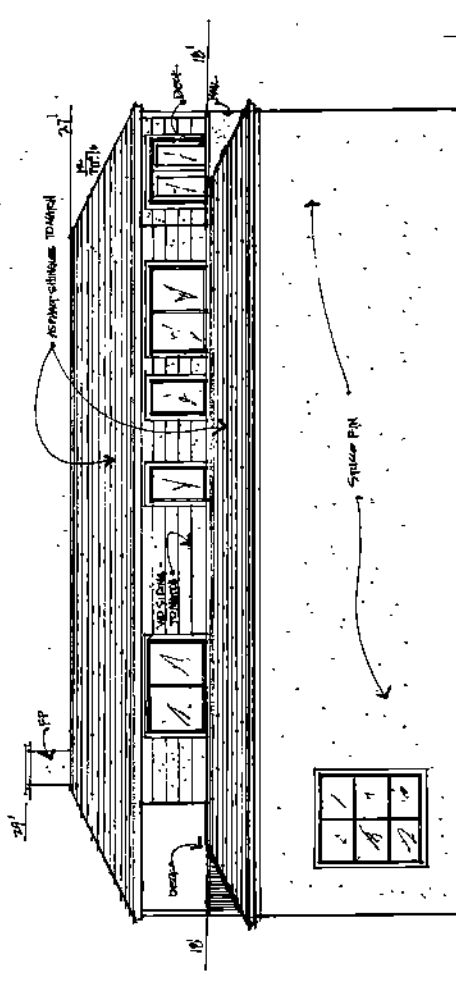
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544 BERNARD STREET  
COSTA MESA, CA

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FRONT ELEVATION  
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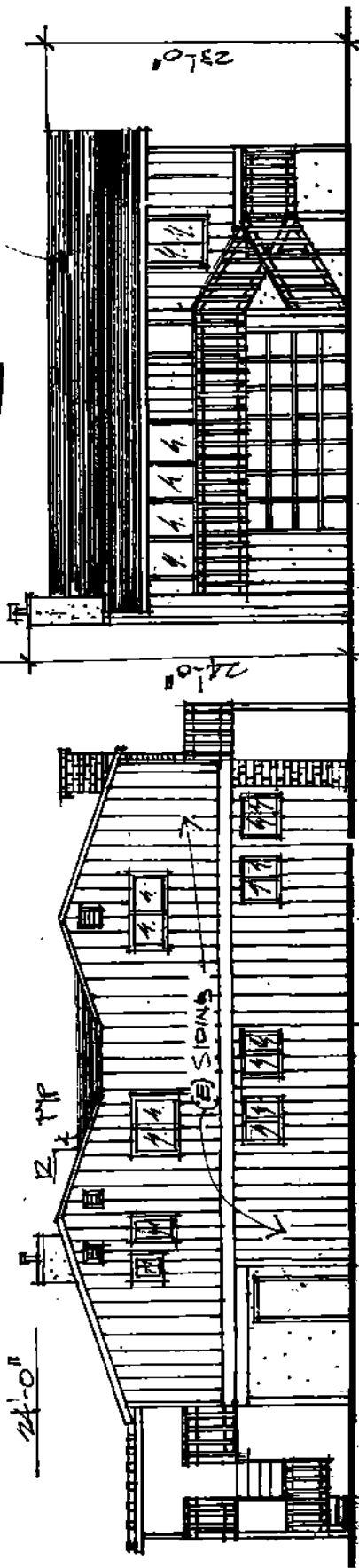


R. SIDE ELEVATION  
SCALE 1/4" = 1'-0"

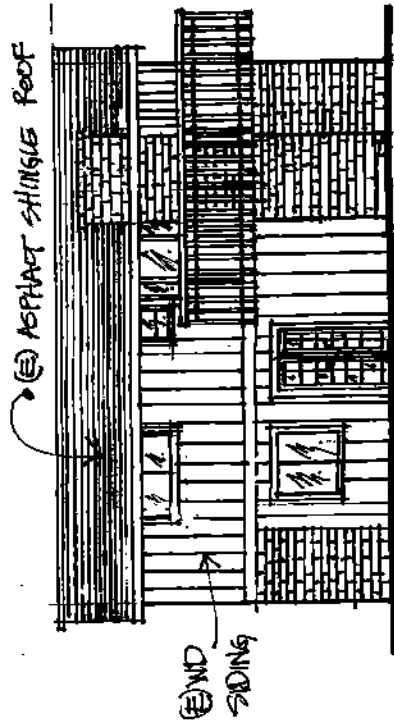
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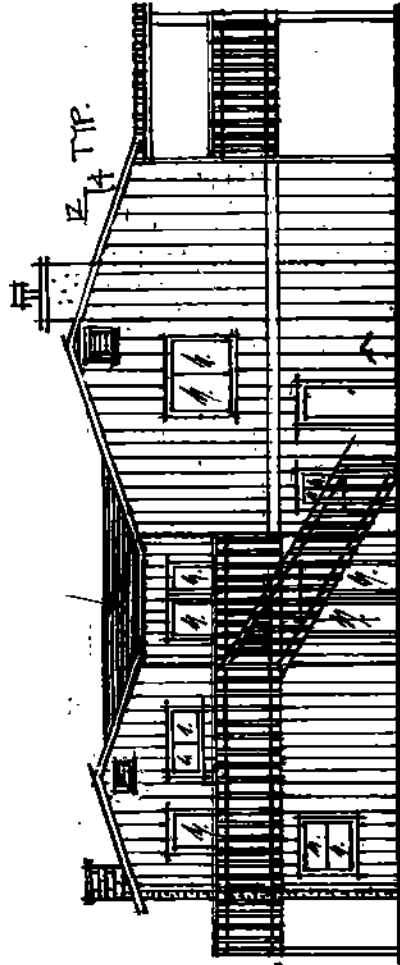
# EXISTING RESIDENCE



R. SIDE ELEVATION BUDG. A  
14'-1'-0"



REAR ELEVATION BUDG. A  
14'-1'-0"



L. SIDE ELEVATION BUDG. A  
14'-1'-0"

(E) SHINGLES

DATE	
BY	
CHECKED	
APPROVED	
REVISION	

T.J. DESIGN  
5225 RIVER AVE.  
NEWPORT BEACH CA 92663  
(949) 515-3773

GARAGE AND 3 BEDROOM UNIT  
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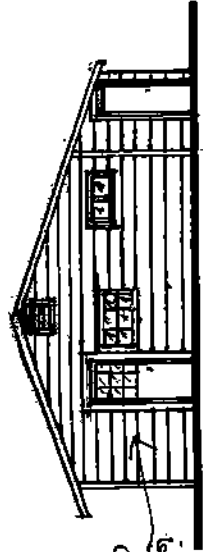
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# EXISTING RESIDENCE

EXISTING ASPHALT SHINGLE ROOF, TYP.



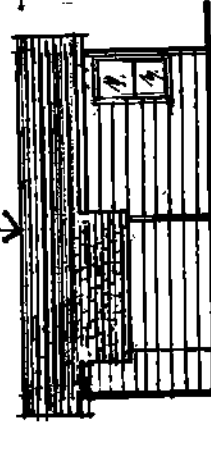
FRONT ELEVATION  
14'-1"



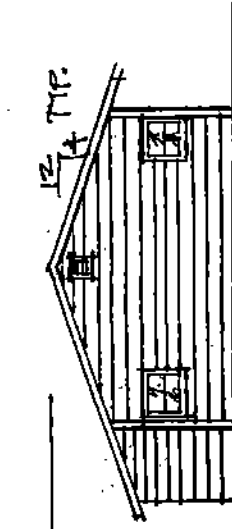
SIDE ELEVATION  
14'-1"

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SIDING

EXISTING ASPHALT SHINGLE ROOF, TYP.



REAR ELEVATION  
14'-1"



SIDE ELEVATION  
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BUILDING B

DATE	
REVISION	

I.J. DESIGN  
5215 RIVER AVE  
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GARAGE AND 3 BEDROOM UNIT  
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DATE	
REVISION	

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